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*Facebook, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

CHRISTINE HOLT, *individually and on behalf of  
all others similarly situated*,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

CASE NO.: 3:16-cv-02266-JST

**FACEBOOK, INC.'S NOTICE OF  
SUPPLEMENTAL AUTHORITY**

Am. Compl. Filed: July 22, 2016

Judge: Hon. Jon S. Tigar

Defendant Facebook, Inc. hereby brings to this Court's attention a recent decision of the U.S. Court of Appeals for the Ninth Circuit. In *Van Patten v. Vertical Fitness Group, LLC*, No. 14-55980 (9th Cir. Jan. 30, 2017) (Exhibit A), the Ninth Circuit affirmed the district court's grant of summary judgment on the plaintiff's claims under California's Unfair Competition Law. *See* slip. op. at 21–23. The Ninth Circuit held that the plaintiff lacked standing to bring a UCL claim premised on the receipt of a text message, because the plaintiff “ha[d] not shown and [could not] demonstrate any economic injury” that was not “hypothetical and conjectural.” *Id.* at 23. Facebook respectfully submits that *Van Patten* is relevant to the issues presented by Facebook's pending Motion to Dismiss Plaintiff's First Amended Complaint (ECF No. 36).

Dated: February 3, 2017

Respectfully submitted,  
KIRKLAND & ELLIS LLP

/s/ Andrew B. Clubok

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 3, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all persons registered for ECF. All copies of documents required to be served by Fed. R. Civ. P. 5(a) and L.R. 5-1 have been so served.

/s/ Sarah Farley

Sarah Farley